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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,383	06/15/2001	Richard T. Williams	E-2038	8311

7590 02/26/2003

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EXAMINER

OCAMPO, MARIANNE S

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 02/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/882,383

Applicant(s)

WILLIAMS, RICHARD T.

Examiner

Marianne S. Ocampo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-10 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 – 4 and 11 – 14 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a mounting means in the form of a flexible resilient tube which is has a first end/portion thereof being snugly press-fitted over the outlet port (64) of the pressure gradient member and a second portion thereof being snugly press-fitted over a portion of the outlet port (51), does not reasonably provide enablement for the following:

- a) a means (i.e. a separate structure) at the first end portion of the flexible resilient tube for fastening the first end portion of the resilient tube to the outlet port of the outlet means (i.e. 51) and for sealing between the first end portion of the resilient tube and the outlet port of the outlet means (51), as claimed in the base claim 1;

- b) a means (i.e. a separate structure) for providing substantially uniform support of a load on the pressure gradient member created by side impact to the pressure vessel, as claimed by the base claim 11, and

c). a means (i.e. a separate structure) at the first end portion of the flexible resilient tube for fastening the first end portion of the resilient tube to the outlet port of the outlet means, and a means (i.e. another separate structure) at the second end portion of the resilient tube for fastening the second end portion to the outlet port of the pressure gradient member, as claimed by base claim 13. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The examiner is unclear as to what other means or structures being invoked by these features and the specification provides no disclosure nor support in the drawings to satisfy these additional limitations.

3. Claims 1 – 4 and 11 – 14 are also rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The additional limitations added by base claims 1, 11 and 13, namely :

a). a means (i.e. a separate structure) at the first end portion of the flexible resilient tube for fastening the first end portion of the resilient tube to the outlet port of the outlet means (i.e. 51) and for sealing between the first end portion of the resilient tube and the outlet port of the outlet means (51), as claimed in the base claim 1;

b) a means (i.e. a separate structure) for providing substantially uniform support of a load on the pressure gradient member created by side impact to the pressure vessel, as claimed by the base claim 11, and

c). a means (i.e. a separate structure) at the first end portion of the flexible resilient tube for fastening the first end portion of the resilient tube to the outlet port of the outlet means, and a means (i.e. another separate structure) at the second end portion of the resilient tube for fastening the second end portion to the outlet port of the pressure gradient member, as claimed by base claim 13, were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed inventions, and thereby all considered to be **new matter**. All new matter must be canceled in response to this office action.

4. For the above rejections of claims 1 – 4 and 11 – 14, the means plus language invoked the 6<sup>th</sup> paragraph of 35 USC 112, which extends itself to the broadest possible interpretation of the claims (in terms of equivalents), under 35 U.S. 112, 6th paragraph. Since applicant's disclosure lacks the appropriate description and the examiner cannot find any type of structure or equivalent structure in the specification or drawings for the mean plus language limitations as presented by claims 1 – 4 and 11 – 14, the examiner is unsure, at least unclear what possible structures are being invoked by these means plus language in the claims 1 – 4 and 11 – 14. See M.P.E.P. § 2181 and *In re Donaldson* 16F.3d at 1194, 29 USPQ 2d at 1850. In other words, there isn't any structures disclosed or provided in the drawings or original specification for other

structures other than the flexible tube which perform all the means plus language limitations as presented by claims 1 – 4 and 11 – 14. Press-fitting of the end portions of the flexible resilient tube does not constitute a separate structure or means, since it is actually the same parts (i.e. the end portions of the flexible tube) which performs the functions of the means plus function language presented in these claims.

*Allowable Subject Matter*

5. Claims 1 – 4 and 11 - 14 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, first paragraph, set forth in this Office action. Claims 5 – 10 also contain allowable subject matter.

6. The following is a statement of reasons for the indication of allowable subject matter: the closest prior art is Offer (US 3,776,384). Offer has failed to disclose or rendered obvious a pressure vessel having the limitations of a flexible resilient tube means extending between the outlet port of the pressure gradient member and the outlet port of the outlet means for mounting the pressure gradient member within a chamber formed by walls of the pressure vessel and for providing a seal between a first end portion thereof and the outlet port of the outlet means and a seal between a second portion thereof and the outlet port of the pressure gradient member and for permitting the pressure gradient to laterally shift inside the pressure vessel to press against a side wall of the pressure vessel to provide substantially uniform support of a load on the pressure

gradient member created by a side impact to the pressure vessel without breaking the seal between the first end portion of the flexible resilient tube and the outlet port of the outlet means and the seal between the second portion of the resilient tube and the outlet port of the pressure gradient member, as in claims 1 and 5, and further comprising a means at the first end portion of the flexible tube for fastening the first end portion to the outlet port of the outlet means and for sealing the first end portion of the tube means and the outlet port of the outlet means, as in claim 1, and having the limitations of a flexible resilient tube having a first end portion and a second end portion, wherein the first end portion is press-fit over the outlet port of the outlet means and the second portion is also press-fit over the outlet port of the pressure gradient member and the resilient tube permitting the pressure gradient member to laterally shift inside the pressure vessel to press against a side wall of the pressure vessel, as in claim 9, and having the limitation of a means for providing substantially uniform support of a load on the pressure gradient member created by a side impact on the pressure vessel by permitting the pressure gradient member to laterally shift inside the vessel to press against a side wall of the vessel, as in claim 11 and having the limitation of a means at the first end portion of the flexible resilient tube for fastening the first end portion of the tube to the outlet port of the outlet means and a means at the second portion of the resilient tube for fastening the second end portion of the tube to the outlet port of the pressure gradient member, as in claim 13. Claims 2 – 4, 6 – 8, 10, 12 and 14 depend from base claims 1, 5, 9, 11 and 14, respectively and therefore they also contain the allowable subject matter.

*Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:00 A.M. to 4:30 P.M..

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the



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10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*MSO*  
M.S.O.

February 20, 2003

*Walker*  
W. L. WALKER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700